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8 Attorneys for Plaintiff  
9 **PAUL ALFRED SINCERNY**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL ALFRED SINCERNY,  
Plaintiff,

vs.  
City of Walnut Creek; Walnut Creek Police Department; Walnut Creek Police Sergeant Ryan Hibbs; Walnut Creek Police Officer Lee Herrington; Walnut Creek Police Officer Brookshire; Walnut Creek Police Officer Adams; Walnut Creek Police Officer Ashley Roskos; Walnut Creek Police Officer Njoroge; Walnut Creek Police Officer Steve Bertolozzi; Walnut Creek Police Detective Kim Gerstner; Walnut Creek Police Officer Scott Moorhouse; Walnut Creek Police Chief Tom Chaplin, and DOES 1-20,

Defendants.

Case No. C17-02616 HSG

**STIPULATION AND ORDER TO  
MODIFY BRIEFING SCHEDULE RE  
CITY OF WALNUT CREEK'S MOTION  
TO DISMISS**

WHEREAS defendants City of Walnut Creek recently filed a Motion to Dismiss plaintiff's First amended Complaint on January 11, 2018, and is now set for hearing on March 29, 2018; and

WHEREAS plaintiff's Opposition briefing would under Northern District Local Rules be required to be filed and served no later than January 25, 2018; and

STIP AND ORDER TO MODIFY BRIEFING SCHEDULE RE  
CITY OF W.C.'S MTN TO DISMISS C17-02616 HSG

WHEREAS plaintiff's counsel is set for depositions almost every day in a construction matter through the end of the month and the into February, and

WHEREAS plaintiff's counsel and defense counsel have met and conferred to propose an orderly modification to the briefing schedule for the City's Motion to Dismiss, and

NOW THEREFORE, the City moving parties and plaintiff, by and through their respective attorneys, hereby agree and stipulate that good cause exists in the interest of the furtherance of justice and the above-referenced circumstances that the briefing schedule be modified such that plaintiff's Opposition to said motion shall be due no later than February 22, 2018, and the Reply briefing no later than March 10, 2018.

IT IS SO STIPULATED.

Dated: January 23, 2018

## HELBRAUN LAW FIRM

By: \_\_\_\_\_ /s/ Helbraun, David M

David M. Helbraun  
Attorneys for Plaintiff  
Paul Alfred Sincerny

Dated: January 23, 2018

MCNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP

By: /s/ Blechman, Noah G.

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Noah G. Blechman  
Attorneys for Defendants  
City of Walnut Creek; Walnut Creek Police Sergeant  
Ryan Hibbs; Walnut Creek Police Officer Lee  
Herrington; Walnut Creek Police Officer Adams; and  
Walnut Creek Police Officer Ashley Roskos

## ORDER

PURSUANT TO THE PARTIES' STIPULATION, AND GOOD CAUSE EXSITING  
THEREFORE, IT IS HEREBY ORDERED THAT PLAINTIFF'S OPPOSITION TO THE  
MOTION TO DISMISS THE FIRST AMENDED COMPAIN BE FILED NO LATER THAN  
FEBRUARY 22, 2018, AND THE MOVING PARTIES' REPLY BRIEFING BE FILED NO  
LATER THAN MARCH 10, 2018.

Dated: January 24, 2018

Haywood S. Gilliam, Jr.  
Hon. Haywood S. Gilliam, Jr.  
District Court Judge